IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.SASIDHARAN NAMBIAR

WEDNESDAY, THE 20TH DECEMBER 2006 / 29TH AGRAHAYANA 1928

Tr.P(C).No. 321 of 2006()

(OP. NO.1161/2006 OF FAMILY COURT, THRISSUR.)

PETITIONER:

SUSHAMA,
D/O.ARVINDAKSHAN,
PRESENTLY RESIDING AT CHINTHAVALAPPU FLATS,
RAM MOHAN ROAD, KOZHIKODE.

BY ADV. SRI.K.RAMACHANDRAN

RESPONDENT:

P.G.PRIYAN,
S/O.MADATHIL PRABHAVATHI AMMA,
DEVI KRIPA, ST.MARY'S ROAD, THRISSUR,
REPRESENTED BY HIS AGENT AND FATHER
GOVINDANKUTTY MENON, DEVI KRIPA, ST.MARY'S ROAD,
THRISSUR.

BY ADV. SRI.P.K.ANIL
SRI.MOHANAKRISHNAN

THIS TRANSFER PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 20/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

M.SASIDHARAN NAMBIAR, J.

T.P.C.NO.321 OF 2006

Dated this the 20 th day of December, 2006.

ORDER

Petitioner is wife, respondent is husband. This petition is filed by the wife to transfer a petition filed by the respondent in O.P.1161/06before Family Court, Thrissur to Family Court, Kozhikod contending that she is residing at Kozhikod and employed therein and her child is aged only 3 years and it is not possible for her to take the child to Thrissur and in such circumstances the case is to be transferred to Family court, Kozhikod. Respondent appeared through his counsel.

2. Learned counsel appearing for petitioner and respondent were heard.

3. A petition is filed under 13(B) of Hindu Marriage Act, before Family Court, Thrissur. The marriage of the petitioner and respondent were dissolved. They have a child aged 3 years. He is with petitioner, mother. Respondent through his father filed a petition before Family Court, Thrissur, seeking custody of the child. Petition was filed as the respondent, who is working in gulf country will be coming back to India during Christmas Vacation.

4. On hearing petitioner and respondent and on the discussion with the counsel it is agreed by both parties that I.A.4015/06 in O.P.1161/06 on the file of Family Court, Thrissur will not be pressed by respondent in view of the agreement between the parties. During 26th December 06, to 29th December 06, respondent will be permitted to have the custody of the child on the following conditions.

5. Respondent has to take two rooms in Hotel Hyson, Mavoor Road, Kozhikod, and parents of petitioner will take the minor child with them to Hotel Hyson, to enable respondent to have the custody of the child from 10.00 AM to 1.00 PM. After 1.00 PM child could be taken back to the house of petitioner by her parents. This arrangement will continue from 26th December to 29th December, 06. Respondent has to meet the expenses in the Hotel, including that of the grand parents of the child. Respondent can take his parents also with him. Petition disposed accordingly.

M.SASIDHARAN NAMBIAR,
JUDGE.

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